

Entered - 03/20/02 - sb
CL - 02L0243 - LISA CARTER

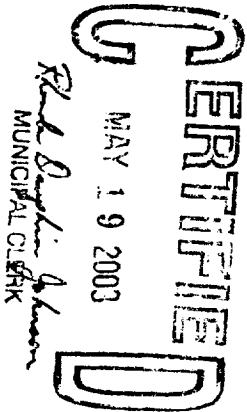
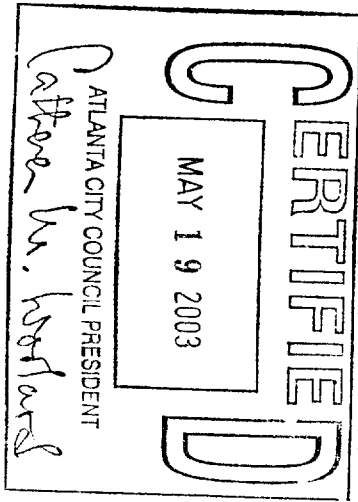
03- R-0738

CLAIM OF: COLONY WOODS APARTMENTS
3030 Continental Colony Parkway
Atlanta, GA 30331

For damages alleged to have been sustained as a result of property damage from solid waste routine pick-ups over an unspecified period of time at Colony Woods Apartments located at 3030 Continental Colony Parkway.

THIS ADVERSED REPORT IS
APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



Adversed By
Council 5-19-03

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/13/03

CHAIR: 

C. T. Martin







OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

May 27, 2003

Colony Woods Apartments
c/o Empire Realty
3030 Continental Colony Parkway
Atlanta, GA 30331

03-R-0738

Dear Empire Realty:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 19, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0243

Date: April 30, 2003

Claimant /Victim Colony Woods Apartments

BY: (Atty) (Ins. Co.) _____

Address: 3030 Continental Colony Parkway

Subrogation: _____ Claim for Property damage \$ unspecified Bodily Injury \$ _____

Date of Notice: 03/12/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____

Date of Occurrence unspecified Place: 3030 Continental Colony Parkway Atlanta, GA 30331

Department Public Works Bureau: Solid Waste Services Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that its property has been damaged during routine pick ups by Solid Waste Services. The claimant's agent admitted that she first noticed the damage in 1998, but the claimant has failed to provide evidence to support its allegations that the damage was, in fact, done by a city vehicle. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

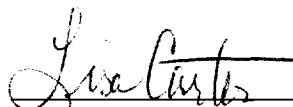
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 04-30-03

Committee Action _____ Council Action _____

RCS# 4717
5/19/03
2:39 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14 Except:03-O-0456; 03-R-0598
 03-R-0703; 03-R-0773; 03-R-0788
 Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

5/19/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

- | | |
|---------------|---------------|
| 1. 03-O-0601 | 36. 03-R-0726 |
| 2. 03-O-0551 | 37. 03-R-0727 |
| 3. 03-O-0552 | 38. 03-R-0728 |
| 4. 03-O-0600 | 39. 03-R-0729 |
| 5. 03-O-0554 | 40. 03-R-0730 |
| 6. 03-O-0617 | 41. 03-R-0731 |
| 7. 03-O-0632 | |
| 8. 03-O-0633 | |
| 9. 03-O-0660 | |
| 10. 03-O-0772 | |
| 11. 03-O-0628 | |
| 12. 03-O-0759 | |
| 13. 03-R-0655 | |
| 14. 03-R-0700 | |
| 15. 03-R-0701 | |
| 16. 03-R-0704 | |
| 17. 03-R-0784 | |
| 18. 03-R-0785 | |
| 19. 03-R-0707 | |
| 20. 03-R-0708 | |
| 21. 03-R-0709 | |
| 22. 03-R-0718 | |
| 23. 03-R-0782 | |
| 24. 03-R-0713 | |
| 25. 03-R-0714 | |
| 26. 03-R-0716 | |
| 27. 03-R-0760 | |
| 28. 03-R-0768 | |
| 29. 03-R-0774 | |
| 30. 03-R-0776 | |
| 31. 03-R-0779 | |
| 32. 03-R-0722 | |
| 33. 03-R-0723 | |
| 34. 03-R-0724 | |
| 35. 03-R-0725 | |

**Items Adversed on the
Consent Agenda**

- | |
|---------------|
| 42. 03-R-0732 |
| 43. 03-R-0733 |
| 44. 03-R-0734 |
| 45. 03-R-0735 |
| 46. 03-R-0736 |
| 47. 03-R-0737 |
| 48. 03-R-0738 |
| 49. 03-R-0739 |
| 50. 03-R-0740 |
| 51. 03-R-0741 |
| 52. 03-R-0742 |
| 53. 03-R-0743 |
| 54. 03-R-0744 |
| 55. 03-R-0745 |
| 56. 03-R-0746 |
| 57. 03-R-0747 |
| 58. 03-R-0748 |
| 59. 03-R-0749 |
| 60. 03-R-0750 |
| 61. 03-R-0783 |

Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788